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**TESTIMONY of DAVID SUTHERLAND – DIRECTOR OF GOVERNMENT RELATIONS
BEFORE the ENVIRONMENT COMMITTEE – March 12, 2010**

**in OPPOSITION to the ATV provisions of Bill 5417
in SUPPORT of the Green Fund and Open Space Registry provisions of Bill 5147**

Of behalf of The Nature Conservancy, I am here today to express our strong opposition to the section of Bill 5417 dealing with All-Terrain Vehicles, and our support for the section that would authorize town, if they choose, to impose an addition to the real estate conveyance tax to fund environmental initiatives. We recommend that that section be a stand-alone bill. Any proposal to grant increased access to different types of property or land should also *at the very least* include some measures - including universal registration of all ATV's and ORV's, and increased penalties - to address the very serious problem we face in trying to enforce against rampant illegal trespass and destruction by ATV riders. This bill does not include any such measures.

Many ATV riders are responsible and law-abiding. A significant number, however, are not and present a serious threat to natural and agricultural lands. Some may argue that we should not burden a whole group of recreational enthusiasts with bureaucratic requirements because of the actions of a few of their colleagues. Yet we do that constantly with all groups of people in our society. Most people are honest and responsible, and yet we all have to abide by many laws and bureaucratic procedures, in order to try to control the dishonest ones among us, and make it easier to apprehend them when they do break the law.

It is extremely difficult to apprehend ATV riders who are trespassing or breaking other laws. I recall the anguish of a farmer I spoke with who described the constant trespassing on and damage to his property by ATV riders, who used chainsaws to re-open trails they had made onto his property after he had chopped trees across them. When he was finally able to confront them one day, they sneeringly said, "You'll never stop us. What are you going to do, shoot us?" before tearing off.

On one of The Nature Conservancy's preserves, the manager writes: "Trespass has resulted in damage to trails and trail improvements (ex. waterbars), unplanned trail creation, tree base scarring, fence destruction, new hedgerow openings to access fields, scared and angry hikers who have been intimidated or harassed. They come equipped with chainsaws, wire and bolt cutters or loppers and they use these tools to remove anything in their way. A donor funded additional fencing and gates at the Preserve. Within one week a 8-ft chain link gate was on the ground. (It is now welded in place to the fence so it can open but not be removed.) ATV's or motorbikes did laps in one field for a short time and within a day there was a rutted, vegetation-free track in the field. One rider was spotted with a firearm in a field frequented with deer but was gone before staff could respond. Seasonal and small streams on the hillside are crossed, creating ruts and spreading the banks resulting in mud-holes."

These are individual incidents, but they are unfortunately far too common among natural and farm land operators. We need the capacity for much stronger penalties, the severity of which would be determined by the courts in individual cases, to have some chance of

stopping the most egregious offenders. Unlike many other types of trespassers on land, one or two ATV riders can cause considerable harm. Please give our communities the tools they need to address this increasing problem.

We strongly support Section 2 of this bill, which would authorize municipalities, if they choose; to impose an additional real estate conveyance tax on home buyer's to fund environmental initiatives. We recommend that this section be a stand-alone bill. It must be stressed that this measure would be voluntary on the part of towns, they do not have to impose it unless they want to.

A similar conveyance tax measure has worked extremely well in other states, including on Long island, where the real estate community largely supports it. At a time when our state government is forced to reduce its financial support for our municipalities, it is crucial that these communities be given options to raise their own funds to fund critical initiatives.

We also support the provision of this bill that would establish an open space registry, but are concerned that the likely fiscal note for it would harm the likelihood of it and the conveyance tax provision passing.